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6 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

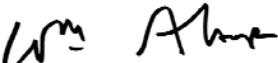
10 RICK P. SMITH, No. C 07-4437 WHA (PR)
11 Plaintiff, **ORDER OF DISMISSAL**
12 v.
13 HUTTON, et al.,
14 Defendants.

15 _____ /
16 This is a civil rights action filed pro se by a prisoner. The court notified plaintiff that his
17 application to proceed in forma pauperis ("IFP") was deficient because he had failed to include
18 a copy of his prisoner trust account statement as required by 28 U.S.C. § 1915(a)(2). Plaintiff
19 was informed that the case would be dismissed if he did not either pay the fee or remedy the IFP
20 deficiency within thirty days. Although he has filed a new IFP application, he has not included
21 a prisoner trust account statement, and has presented no excuse for his failure to do so.

22 Leave to proceed in forma pauperis (document number 4 on the docket) is **DENIED**. The
23 earlier motion to proceed IFP (document 2) is **DENIED** as moot. This case is **DISMISSED**
24 without prejudice. *See* Fed. R.Civ.P. 41(b). No fee is due. The clerk shall close this file.

25 **IT IS SO ORDERED.**

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27 Dated: September 17, 2007.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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